

SIXTY SECOND LEGISLATURE - REGULAR SESSION

EIGHTY NINTH DAY

House Chamber, Olympia, Friday, April 8, 2011

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kate Reinmuth and Deanna Aeschliman. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Larry Haler, 8th district, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 7, 2011

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL 1024
HOUSE BILL 1074
SECOND SUBSTITUTE HOUSE BILL 1153
HOUSE BILL 1190
HOUSE BILL 1191
ENGROSSED HOUSE BILL 1223
HOUSE BILL 1239
SUBSTITUTE HOUSE BILL 1266
HOUSE BILL 1340
SUBSTITUTE HOUSE BILL 1595
SUBSTITUTE HOUSE BILL 1596
SUBSTITUTE HOUSE BILL 1614
ENGROSSED SUBSTITUTE HOUSE BILL 1731
SUBSTITUTE HOUSE BILL 1966

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 7, 2011

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL 5018
SENATE BILL 5045
SUBSTITUTE SENATE BILL 5070
SENATE BILL 5076
SENATE BILL 5241
SUBSTITUTE SENATE BILL 5300
SUBSTITUTE SENATE BILL 5352
SUBSTITUTE SENATE BILL 5374
SENATE BILL 5395
SUBSTITUTE SENATE BILL 5442
SENATE BILL 5482
ENGROSSED SUBSTITUTE SENATE BILL 5555
SUBSTITUTE SENATE BILL 5788
SENATE BILL 5849

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 7, 2011

MR. SPEAKER:

The President has signed:

HOUSE BILL 1012
SUBSTITUTE HOUSE BILL 1048
SUBSTITUTE HOUSE BILL 1105
SUBSTITUTE HOUSE BILL 1172
HOUSE BILL 1179
HOUSE BILL 1181
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1206
HOUSE BILL 1215
HOUSE BILL 1227
SUBSTITUTE HOUSE BILL 1243
HOUSE BILL 1263
HOUSE BILL 1303
SUBSTITUTE HOUSE BILL 1304
HOUSE BILL 1353
SECOND SUBSTITUTE HOUSE BILL 1362
HOUSE BILL 1391
ENGROSSED SUBSTITUTE HOUSE BILL 1489
ENGROSSED SUBSTITUTE HOUSE BILL 1492
SECOND SUBSTITUTE HOUSE BILL 1519
SUBSTITUTE HOUSE BILL 1575
SUBSTITUTE HOUSE BILL 1585
HOUSE BILL 1625
HOUSE BILL 1709
SUBSTITUTE HOUSE BILL 1719
SECOND SUBSTITUTE HOUSE BILL 1803
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1808
ENGROSSED SUBSTITUTE HOUSE BILL 1826
HOUSE BILL 1937
HOUSE BILL 1939

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

HB 2056 by Representatives Van De Wege, Bailey, Cody, Johnson and Warnick

AN ACT Relating to assisted living facilities; amending RCW 18.20.020, 18.20.030, 18.20.050, 18.20.090, 18.20.110, 18.20.115, 18.20.130, 18.20.140, 18.20.150, 18.20.160, 18.20.170, 18.20.190, 18.20.220, 18.20.230, 18.20.270, 18.20.280, 18.20.290, 18.20.300, 18.20.310, 18.20.320, 18.20.330, 18.20.340, 18.20.350, 18.20.360, 18.20.370, 18.20.380, 18.20.390, 18.20.400, 18.20.410, 18.20.420, 18.20.430, 18.20.440, 18.20.900, 18.51.010, 18.52C.020, 18.79.260, 18.100.140, 26.34.010, 35.21.766, 35A.70.020, 43.43.832, 46.19.020, 48.43.125, 69.41.010, 69.41.085, 69.50.308, 70.79.090, 70.87.305, 70.97.060, 70.97.090, 70.122.020, 70.128.030, 70.128.210, 70.129.005, 70.129.160, 71.24.025, 74.09.120, 74.15.020, 74.34.020, 74.39A.009, 74.39A.010, 74.39A.020, 74.39A.030, 74.39A.320, 74.41.040, 74.42.055, 82.04.2908, 82.04.4264, 82.04.4337, 84.36.381, and 84.36.383; and reenacting and amending RCW 18.20.010, 70.38.105, 70.38.111, and 70.127.040.

Referred to Committee on Health Care & Wellness.

SB 5119 by Senators Pridemore and Kline

AN ACT Relating to cancellation of the 2012 presidential primary; amending RCW 29A.56.020; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5806 by Senators Conway, Swecker, Kastama, Hobbs, Roach, Kilmer, Shin and Kline

AN ACT Relating to a veteran lottery raffle; amending RCW 67.70.240; adding a new section to chapter 67.70 RCW; and creating a new section.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1087, by Representatives Hunter, Alexander and Darneille

Making 2011-2013 operating appropriations. Revised for 1st Substitute: Making 2009-2011 and 2011-2013 fiscal biennia operating appropriations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1087 was substituted for House Bill No. 1087 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1087 was read the second time.

Representative Hunter moved the adoption of amendment (584).

On page 7, on line 8, after "limitations:" insert "(1)"

On page 7, after line 12, insert the following: "(2) \$547,000 of the general fund -- state appropriation for fiscal year 2012 and \$547,000 of the general fund -- state appropriation for fiscal year 2013 are provided solely for the office of the education ombudsman."

Representatives Hunter and Santos spoke in favor of the adoption of the amendment.

Amendment (584) was adopted.

Representative Miloscia moved the adoption of amendment (595).

On page 12, after line 24, insert the following:

"(10) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and

evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector."

Representative Miloscia spoke in favor of the adoption of the amendment.

Amendment (595) was adopted.

Representative Probst moved the adoption of amendment (591).

On page 18, after line 25, insert the following:

"(5) The office of financial management shall annually estimate the percentage of Washington households with incomes in the middle-income bracket or higher, and report the findings to the governor and the appropriate committees of the legislature by December 1. For purposes of this report, "Middle-income bracket" means household incomes between two hundred and five hundred percent of the 2010 federal poverty level, as determined by the United States department of health and human services for a family of four, adjusted annually for inflation."

On page 156, on line 27 after "higher" insert ", as calculated by the office of financial management, and developed by the agency or educational institution that will lead each strategy"

Representative Probst spoke in favor of the adoption of the amendment.

Amendment (591) was adopted.

Representative Miloscia moved the adoption of amendment (597).

On page 18, after line 25, insert the following:

"(5) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the office of financial management to contract with the Washington state quality award for training, outreach, and assessments for public agencies and public agency vendors.

(6) The government management and accountability performance program will develop by October 1, 2011, in coordination with the Washington state quality award, a plan for all agencies to complete a Washington state quality award or baldridge full assessment by June 30, 2013. The plan must also include a schedule for agencies to complete an assessment at least every three years, and for agencies to attain a score of 60 percent by 2020.

(7) The priorities of government program must include in their report the Washington state quality award assessment score for agencies, as defined in chapter 384, laws of 2005 (HB 1970), in its performance measures for implementing the quality management, accountability and performance system."

On page 142, after line 19, insert the following:

"(10) Each community college must conduct a full Washington state quality award assessment by June 30, 2013."

On page 191, after line 2, insert the following:

"NEW SECTION. Sec. 928. (1) All state agencies must track employees trained in performance management, including, but not limited to lean, lean-six-sigma, and the baldridge system. The agencies shall report the number of employees trained in each

performance management technique to the government management and accountability performance (GMAP) program.

(2) All state agencies shall provide electronic copies of their Washington state quality award or baldrige assessments, feedback reports, and corrective action plans to the government management and accountability performance (GMAP) program, the office of the state auditor, and the joint legislative audit and review committee. These results must be posted on the GMAP website for use in developing best practices.

(3) All state agencies must integrate performance management assessments, including the Washington state quality award assessment into their agency's strategic plan."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Miloscia moved the adoption of amendment (607) to amendment (597).

On page 1 of the amendment, strike all material on lines 21 through 23

Representatives Miloscia and Seaquist spoke in favor of the adoption of the amendment to the amendment.

Amendment (607) was adopted.

Representative Miloscia spoke in favor of the adoption of amendment (597) as amended.

Amendment (597) was adopted as amended.

Representative Dickerson moved the adoption of amendment (605).

On page 44, beginning on line 4, after "(h)(i)" strike all material through "time." on line 19 and insert "\$29,840,000 of the general fund--state appropriation for fiscal year 2012, \$31,078,000 of the general fund--state appropriation for fiscal year 2013, and \$64,588,000 of the general fund--federal are provided solely for employment and day services. The department shall revise the current working age adult policy to be a voluntary program that provides greater choice for clients between employment and appropriate day services. The department shall equally inform clients and their legal representatives of all available options for employment and day services. Information provided to the client and the client's legal representative shall include the types of activities each service option provides and the amounts, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one of these service options: employment services, community access services, or day services. Clients may not participate in more than one of these services at any given time."

On page 44, beginning on line 34, after "(iv)" strike all material through "services" on page 45, line 4, and insert "The department shall provide quarterly reports to the legislature on the number of clients in employment, day, and community access services. The reports shall include the number of clients who have opted to move from one service option into a different service option."

Representative Dickerson spoke in favor of the adoption of the amendment.

Amendment (605) was adopted.

Representative Appleton moved the adoption of amendment (583).

On page 46, line 30, after "process." insert the following:

"The department shall keep Francis Haddon Morgan Center and Yakima Valley School open until there are sufficient community options and services available to serve the clients who currently reside in these residential habilitation centers."

Representatives Appleton and Hunter spoke in favor of the adoption of the amendment.

Amendment (583) was adopted.

Representative Liias moved the adoption of amendment (588).

On page 73, line 24, increase the general fund--state appropriation for fiscal year 2012 by \$85,000

On page 73, line 25, increase the general fund--state appropriation for fiscal year 2013 by \$85,000

On page 74, line 16, correct the total.

Representatives Liias and Hunter spoke in favor of the adoption of the amendment.

Amendment (588) was adopted.

Representative Hunter moved the adoption of amendment (587).

On page 98, line 11, after "maximum of" strike "\$18,470,000" and insert "\$18,545,000"

On page 98, line 12, after "2012 and" strike "\$14,842,000" and insert "\$14,917,000"

On page 99, line 18, after "(d)" strike "\$1,636,000" and insert "\$1,711,000"

On page 99, line 19, after "2012 and" strike "\$1,253,000" and insert "\$1,328,000"

On page 99, line 25, after "(ii)" strike "\$687,000" and insert "\$752,000"

On page 99, line 26, after "and" strike "\$305,000" and insert "\$380,000"

On page 101, line 28, after "(2)" strike "\$9,320,000" and insert "\$9,245,000"

On page 101, line 29, after "2012," strike "\$9,220,000" and insert "\$9,145,000"

On page 104, line 1, after "(vi)" strike all material through "(vii)" on line 14

Representatives Hunter and Santos spoke in favor of the adoption of the amendment.

Amendment (587) was adopted.

Representative Probst moved the adoption of amendment (589).

On page 98, line 29, after "provided," insert "and in consultation with the public school employees of Washington and the Washington school counselors' association,"

Representative Probst spoke in favor of the adoption of the amendment.

Amendment (589) was adopted.

Representative Hunt moved the adoption of amendment (586).

On page 133, line 24, after "solely for" strike "the Microsoft" and insert "a statewide"

On page 133, line 25, after "Program" strike ", which provides free" and insert ". This public-private partnership will provide"

Representative Hunt spoke in favor of the adoption of the amendment.

Amendment (586) was adopted.

Representative Springer moved the adoption of amendment (582).

On page 138, line 11, strike "606" and insert "605"

On page 138, line 17 after "to" insert "academic employees of the community and technical colleges,"

On page 138, line 17, after "faculty" insert "at the universities and the evergreen state college"

Representative Springer spoke in favor of the adoption of the amendment.

Amendment (582) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

SENATE BILL NO. 5083, by Senators Ranker, Kilmer, Swecker, Hobbs, Holmquist Newbry, Zarelli, Hargrove, Eide, Harper, Tom, Honeyford, White, Parlette, Ericksen, Shin, Hewitt, Sheldon, Roach and Benton

Clarifying that the basis for business and occupation tax for real estate firms is the commission amount received by each real estate firm involved in a transaction.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maxwell and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5083.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5083, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kirby, Klippert,

Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Kenney and Rodne.

SENATE BILL NO. 5083, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5614, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators White, Kilmer, Tom, Kohl-Welles, Keiser, Kline and Conway)

Establishing procedures for requesting the funds necessary to implement the compensation and fringe benefit provisions of bargaining agreements with the University of Washington under chapter 41.80 RCW.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Labor & Workforce Development was adopted. (For Committee amendment, see Journal, Day 72, March 22, 2011).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5614, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5614, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Kenney and Rodne.

SUBSTITUTE SENATE BILL NO. 5614, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5584, by Senators Harper, Kohl-Welles and Kline**Concerning the conforming of apprenticeship program standards to federal labor standards.**

The bill was read the second time.

With the consent of the house, amendment (574) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sells spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5584.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5584, and the bill passed the House by the following vote: Yeas, 56; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kirby, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst,

Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Excused: Representatives Kenney and Rodne.

SENATE BILL NO. 5584, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Senate Bill No. 5584.

Representative Ahern, 6th District

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 9, 2011, the 90th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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HOUSE OF REPRESENTATIVES (Representative Moeller presiding)

Statement for the Journal Representative Ahern 5